

1. Defendants' Motion is **GRANTED** as unopposed with respect to Plaintiff's claims against Defendant Upper Providence Township. All claims against Upper Providence Township shall be **DISMISSED**. The Clerk of Court is directed to modify the case caption accordingly so as to reflect that Upper Providence Township Sewer Authority is the only remaining defendant.
2. Defendants' Motion is **GRANTED** with respect to Plaintiff's misrepresentation claim set out in Count Three. Count Three shall be **DISMISSED** in its entirety.

3. Defendants' Motion is **DENIED** with respect to their request to dismiss the remaining claims without prejudice, pursuant to 28 U.S.C. § 1367(c).

IT IS FURTHER ORDERED that trial on those claims set out in Counts Two, Four, Five and Six against Defendant Upper Providence Township Sewer Authority shall commence as scheduled on **Monday, December 6, 2010 at 9:30 a.m. in Courtroom 3H.**

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE